

REMARKS

Status of the claims:

With the above amendment, claims 1-6 have been canceled. Claims 7-12 have been added and are pending and ready for further action on the merits. No new matter has been added by way of the above amendment. Reconsideration is respectfully requested in light of the following remarks.

Objections under 37 CFR § 1.75

Claim 6 has been objected to for being a multiple dependent claim dependent from another multiple dependent claim. Claim 6 has been canceled. Thus, the objection is moot. Withdrawal of the objection is respectfully requested.

Rejections under 35 USC § 112, second paragraph and 35 USC §101

Claims 2-6 have been rejected under 35 USC §112, second paragraph and 35 USC §101 for not being a statutorily recognized class of claims in the U.S. The "use" claims of claims 2-6 have been converted into statutorily recognized "method of use" claims in claims 7-13. Withdrawal of the rejection is respectfully requested.

Claim 1 has been rejected for the use of the transitional phrase "containing" and for citing the plural "compositions". Claim 1 has been canceled. Thus, these rejections are moot. Withdrawal of the rejections is respectfully requested.

The Examiner has rejected claims 2 and 3 for the term "and/or". Claims 2 and 3 have been canceled. Thus, these rejections are moot. Withdrawal of the rejections is respectfully requested.

The Examiner has rejected claims 2 and 4 for the use of the phrase "relative salts". Claims 2 and 4 have been canceled. Thus, these rejections are moot. Withdrawal of the rejections is respectfully requested.

Rejections under 35 USC § 102

Claims 1-5 are rejected under 35 USC § 102(b) as being anticipated by della Valle '566 (US Patent No. 4,399,566) and della Valle '741 (US Patent No. 4,362,741). The Examiner asserts that both della Valle '741 and della Valle '566 disclose compositions containing cloricomene.

Neither della Valle '741 nor della Valle '566 disclose a method of treating a patient suffering from hypercholesterolaemia comprising administering to the patient a composition comprising cloricomene or a cloricomene salt. Accordingly, della Valle '741 and della Valle '566 cannot anticipate the instant invention because they fail to disclose the elements of the instantly claimed invention. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter

such that a passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

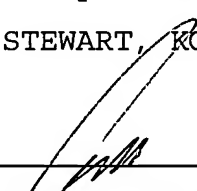
If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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